IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.
NOTICE OF MOTION NO.171 OF 2004
IN
APPEAL NO. 25 OF 2004
IN
SUIT NO.572 OF 1973

Indo Universal Engineering Co.Pvt.Ltd. .. Appellant
v/s.
The Board of Trustees of the Port of Bombay .. Respondent

None for the Appellant-applicant.

Mr. U.J. Makhija i/by M/s.Mulla & Mulla for the respondent.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 5TH SEPTEMBER, 2006.

P.C.

Nobody appears for the appellant-applicant. Mr.U.J. Makhija, the counsel appears for the respondent.

2. In para 7 of the reply affidavit filed on behalf of the respondent, it is stated that the appellant is in arrears of compensation to the extent of Rs.84,43,443.25 as on 31st March, 2004. Obviously, by now, the compensation must have increased.

3. Though the rejoinder affidavit has been filed by the appellant on 25th July, 2006, save and except the demand for specific particulars, there is no challenge to the arrears of compensation as set out in para 7 of the reply affidavit. We, accordingly, pass the following order:-

i) Subject to the appellant depositing a sum of Rs.90,00,000/- (Rupees ninety lakhs) with the Prothonotary and Senior Master of this court within six weeks from today, the operation of the impugned judgment and decree shall remain stayed.

ii) In case the appellant fails to deposit the said amount within the time afore-directed, the decree holder shall be entitled to execute the decree.

Notice of motion stands disposed of.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)